

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

FREDERICK EMERY HEINZ, FREDERICK  
EUGENE HEINZ, and MARK E. HEINZ,

Plaintiffs,

v.

AHTNA, INC.,

Defendant.

Case No.: 3:11-cv-00158-TMB

**FINAL JUDGMENT ON ALL CLAIMS**

This matter came before the Court for bench trial on March 25, 2014 and continued on July 8, 2014. Plaintiffs Frederick Emery Heinz, Frederick Eugene Heinz, and Mark E. Heinz (collectively referred to as “Plaintiffs”) presented their case pro se. Defendant Ahtna, Inc. (“Ahtna”) was represented by counsel S. Lane Tucker and Trever Neuroth of Stoel Rives LLP.

Summary judgment orders were previously issued, as detailed below. Further, after hearing the evidence and arguments at trial, this Court hereby enters FINAL JUDGMENT on all claims in this case as follows:

1. Plaintiffs’ 14(c)(1) claims to the Gakona Lands (also known as the Tok Lands) are DENIED. Therefore, final judgment is entered in favor of Ahtna and against Plaintiffs as to Plaintiffs’ claims to the Gakona Lands (also known as the Tok Lands). The Court’s March 22, 2013 and March 14, 2014 Orders on Motions for Summary Judgment, Docket Nos. 81 and

138, are hereby incorporated by reference and title to the Gakona Lands (also known as the Tok Lands) is QUIETED in favor of Ahtna.

2. Plaintiffs' 14(c)(1) claim to the Richardson A Lands is DENIED. Therefore, final judgment is entered in favor of Ahtna and against Plaintiffs as to Plaintiffs' claim to the Richardson A Lands. The Court's March 22, 2013 and March 14, 2014 Orders on Motions for Summary Judgment, Docket Nos. 81 and 138, are hereby incorporated by reference and title to Richardson A is QUIETED in favor of Ahtna.

3. Plaintiffs' 14(c)(1) claim to the Richardson B Lands is DENIED. Therefore, final judgment is entered in favor of Ahtna and against Plaintiffs as to Plaintiffs' 14(c)(1) claim to the Richardson B Lands and title to Richardson B is QUIETED in favor of Ahtna.

4. Ahtna's counterclaim for trespass on the Gakona Lands (also known as the Tok Lands) is GRANTED. Therefore, final judgment is entered in favor of Ahtna and against Plaintiffs as to Ahtna's counterclaim for trespass on the Gakona Lands (also known as the Tok Lands) and, as such, Plaintiffs are HEREBY ORDERED to:

- a. Confer with Ahtna representative, Joey Bovee, regarding the removal of all Plaintiffs' property that is straddling the boundary of Ahtna's Gakona Lands (also known as the Tok Lands) and the Heinz homesite;
- b. Remove all items straddling the property line between Ahtna's property and the Heinz homesite boundary from Ahtna's land within thirty days of July 8, 2014, that property line being as depicted in Plaintiffs' Exhibit 2, page 2, as the solid line surrounding the Heinz homesite; and
- c. Refrain from interfering with Ahtna's removal of any property that is wholly on Ahtna's Gakona Lands (also known as the Tok Lands).

5. Ahtna is HEREBY ORDERED to file a notice with the Court when said property has been removed from its Gakona Lands (also known as the Tok Lands).

6. Final judgment is entered in favor of Plaintiffs and against Ahtna as to Ahtna's breach of contract counterclaims and, as such, this Court's March 14, 2014 summary judgment order at Dkt. 138 is REVERSED as to the breach of contract claim only, and Ahtna's request for damages is DENIED.

7. Final judgment is entered in favor of Plaintiffs and against Ahtna as to Ahtna's counterclaims for trespass and ejectment from the Richardson A Lands.

All other remaining claims and counter claims for relief are DENIED AS MOOT.

DATED: July 22, 2014

/s/ Timothy M. Burgess  
TIMOTHY M. BURGESS  
U.S. DISTRICT COURT JUDGE